

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANNA OMELIN, individually and as an
administrator of the Estate of Anton Omelin,
deceased,

Plaintiff,

vs.

HANSEN BEVERAGE COMPANY d/b/a
MONSTER BEVERAGE CORPORATION,
a Delaware corporation, MONSTER
ENERGY COMPANY, a Delaware
corporation, RED BULL NORTH
AMERICA, INC., a California corporation,
and DOES 1-100, inclusive,

Defendants.

Civil Action No. 3:17-cv-05837

DECLARATION OF AARON PERAHIA IN
SUPPORT OF DEFENDANT RED BULL
NORTH AMERICA, INC.'S MOTION TO
DISMISS PLAINTIFF ANNA OMELIN'S
FIRST AMENDED COMPLAINT
PURSUANT TO RULE 12(b)(6)

NOTE ON MOTION CALENDAR:
FRIDAY, JANUARY 12, 2018

DECLARATION OF AARON PERAHIA

I, Aaron Perahia, declare as follows:

1. I am an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Red Bull North America, Inc. (“Red Bull”). I am a member in good standing of the Bar of California and am admitted *pro hac vice* to this Court. I respectfully submit this declaration in support of Red Bull’s Motion to Dismiss Plaintiff Anna Omelin’s First Amended Complaint Pursuant to Rule 12(b)(6). I have personal firsthand knowledge of the matters set forth in this declaration, and if called as a witness I would testify competently to those matters.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Certificate of Death of Anton Omelin from the State of Washington’s Department of Health. On December 5, 2017, I placed an expedited order by telephone for this Certificate from the State of Washington’s Department of Health. The next day, I received an e-mail stating the Certificate had been sent to me via UPS tracking number 1Z0380VF2911599620, and I received the Certificate via UPS overnight delivery on December 7, 2017.

3. Attached hereto as **Exhibit B** is a true and correct copy of a print-out of the webpage entitled “CFSAN Adverse Event Reporting System (CAERS)” from the United States Food and Drug Administration’s website, dated December 15, 2017. The same page is available at <https://www.fda.gov/Food/ComplianceEnforcement/ucm494015.htm> (last accessed Dec. 15, 2017) [<https://perma.cc/Y7ZA-TNH5>].

4. Attached hereto as **Exhibit C** is a true and correct copy of 193 reports excerpted from the United States Food and Drug Administration’s CFSAN Adverse Event Report System database. The entire database, which contains 92,233 reports, is available for download at <https://www.fda.gov/downloads/Food/ComplianceEnforcement/UCM494018.csv> (last accessed Dec. 13, 2017) [<https://perma.cc/A8PN-JZJU>].

5. Attached hereto as **Exhibit D** is a true and correct copy of the article written by Sara M. Seifert, Judith L. Schaechter, Eugene R. Hershorin, and Steven E. Lipshultz entitled, *Health Effects of Energy Drinks on Children, Adolescents, and Young Adults*, 127 PEDIATRICS

1 511-528 (2011). The article is available for download at [https://www.ncbi.nlm.nih.gov/pmc/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3065144/pdf/zpe511.pdf)
2 articles/PMC3065144/pdf/zpe511.pdf (last accessed Dec. 13, 2017).

3 6. Attached hereto as **Exhibit E** is a true and correct an image of the product label
4 on a 16-ounce can of Red Bull Energy Drink.

5 7. Attached hereto as **Exhibit F** is a true and correct of a print-out of the webpage
6 entitled "*Taurine in energy drinks: what is it?*" from the Mayo Clinic's website, dated December
7 14, 2017. The same page is available at [https://www.mayoclinic.org/healthy-lifestyle/nutrition-](https://www.mayoclinic.org/healthy-lifestyle/nutrition-and-healthy-eating/expert-answers/taurine/faq-20058177)
8 and-healthy-eating/expert-answers/taurine/faq-20058177 (last accessed Dec. 14, 2017)
9 [<https://perma.cc/VS3J-88AK>].
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11 I declare under penalty of perjury and the laws of the United States of America that the
12 foregoing is true and correct. Executed on December 15, 2017, in Los Angeles, California.

13 /s/ Aaron Perahia

14 Aaron Perahia
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America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2017, I caused a true and correct copy of the foregoing Declaration of Aaron Perahia to be filed in this Court's CM/ECF system, which will send notification of such filing to all parties who have appeared in this matter.

DATED this 15th day of December, 2017.

/s/ Alicia Cobb
Alicia K. Cobb, WSBA #48685